

REMARKS/ARGUMENTS

Prior to the amendments presented herewith, claims 11-13, 15-25, 27, 29, 31, 33-73 and 75-86 were pending. Claims 13, 28 and 31 are being amended. Claims 1, 12, 14-26, 30 and 32-86 have been cancelled. Accordingly, after the present amendments have been entered, claims 13, 27, 28, 29 and 31 will be pending.

1. Information Disclosure Statements

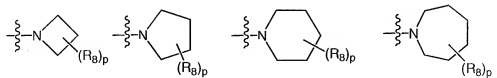
Applicants thank the Examiner for indicating that the Forms 1449 filed on 7/05/2005 and 4/05/2007 has been considered.

However, the additional Information Disclosure Statement, filed October 17, 2007, has not yet been acknowledged by the Examiner. Applicants respectfully request that an initialed copy of the PTO 1449 form accompanying this submission be returned to Applicants. A duplicate copy of the form and statement is provided herewith. The Examiner is requested to contact Applicant in the event that the Office cannot locate the original filing.

2. Claim rejections under 35 USC § 102

Claims 13 and 31 are rejected under 35 USC § 102(b) as allegedly being anticipated by Hamid *et al.* (Scientia Pharmaceutica (2001), 69(4), 351-366); Sadhu *et al.* (WO 01/081346); Finer *et al.* (WO 01/030768); GB Patent No. 1377642, and/or U.S. Patent No. 3,322,756.

Independent claims 13 and 31 are being amended to recite that -UV is



where p is 0-12, and each R_8 is independently selected from the group consisting of halo, perhalo(C_{1-10})alkyl, CF_3 , cyano, nitro, hydroxy, alkyl, aryl, heteroaryl, aminosulfonyl, alkylsulfonyl, arylsulfonyl, heteroarylsulfonyl, aryloxy, heteroaryloxy, arylalkyl,

heteroarylalkyl, cycloalkyl, heterocycloalkyl, amino, thio, alkoxy, and monovalent radicals derived from carbonyl, imino, sulfonyl and sulfinyl groups, each substituted or unsubstituted, with the proviso that at least one R₈ serves as V

Since Hamid *et al.*, Sadhu *et al.*, Finer *et al.*, GB Patent No. 1377642, and/or U.S. Patent No. 3,322,756, either alone or together, neither teach nor suggest the presently claimed compounds, the rejection is believed to be overcome and should be withdrawn.

3. Claim rejections under 35 USC §112, second paragraph

Claims 13, 27-29 and 31 are rejected as allegedly being indefinite.

With respect to the term “carbonyl,” Applicants respectfully submit that those skilled in the art would readily understand that “carbonyl,” when used as part of a Markush group to describe possible substituents, refers to radicals derived from carbonyls. However, solely for the purpose of advancing prosecution of the present application, claims 13, 28 and 31 are being amended to recite that the substituents include “monovalent radicals derived from carbonyl groups.”

With respect to the phrase “heterocycloalkyl having a nitrogen atom and a heteroaryl having a nitrogen ring atom,” Applicants respectfully submit that those skilled in the art would readily understand that these terms refer to heterocycloalkyl and heteroaryl groups (as defined in the specification at, for example, paragraphs [0079] and [0085]), wherein at least one of the ring atoms is a nitrogen. Accordingly, the claims are believed to be definite. Further, the claim amendments introduced to claims 13 and 31 render the rejection moot in connection with those claims.

With respect to the terms “aliphatic,” “alicyclic” and “aromatic,” Applicants respectfully submit that those skilled in the art would readily understand that these terms, when used as part of a Markush group to describe optional substituents, refer to radicals derived from aliphatic, alicyclic and aromatic groups. However, solely for the purpose of advancing prosecution of the present application, claims 13, 28 and 31 are being amended to delete reference to aliphatic, alicyclic and aromatic groups.

In light of the foregoing, the rejection under 35 USC §112 is believed to be overcome and the rejection should be withdrawn.

4. Miscellaneous Amendments to the Claims

Claims 13, 28 and 31 are also being amended, where appropriate, to replace reference to imine, sulfonyl and sulfinyl groups from the list of optional substituents in Markush groups with the phrase “monovalent radicals derived from. imine groups, sulfonyl groups and sulfinyl groups.” As discussed above in connection with the term “carbonyl,” Applicants believe that those skilled in the art would readily understand that “imine,” “sulfonyl” and “sulfinyl,” when used as part of a Markush group to describe possible substituents, refers to radicals derived from imines, sulfonyls and sulfinyls.

5. Double Patenting

The Examiner has provisionally rejected claims 13, 27-29 and 31 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over select claims 1, 3-15, 19-21, 23, 26-31, 33, 36, 42-43, and 55-61 of copending Application No. 10/809,636. Since the rejections are provisional, Applicants intend to address the rejection when one or more of the applications are otherwise in condition for allowance.

The Examiner has provisionally rejected claims 13, 27-29 and 31 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over select claims 8-17, 19, 20, 22-25, 27, 38, 52-54, 56 and 111 of copending Application No. 10/809,635. Since the rejections are provisional, Applicants intend to address the rejection when one or more of the applications are otherwise in condition for allowance.

The Examiner has provisionally rejected claims 13, 27-29 and 31 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over select claims 1, 7, 16, 19, 20, 28, 29, 32-38 and 48 of copending Application No. 10/809,638. Since the rejections are provisional, Applicants intend to address the rejection when one or more of the applications are otherwise in condition for allowance.


CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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